761551N52A – SH-AD (3/16) IV 2415706 / FO2390715

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

OFFICE CORRESPONDENCE

DATE: November 17, 2016
FILE:

FROM: KELLEY S. FRASER, COMMANDER
SOUTH PATROL DIVISION

TO: MICHAEL E. THATCHER, CAPTAIN
COMPTON STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2390715
Incident:	Use of Force
Incident Date:	November 24, 2015
Unit:	Compton Station
Suspect(s):	Cressel, Steven MB/090966
Involved Employees:	Deputy Josue Hidalgo #[redacted]
EFRC Date:	November 3, 2016

The Executive Force Review Committee (EFRC) consisting of Commanders Kelley S. Fraser, John S. Benedict, and David E. Halm met and reviewed the above case.

FINDINGS:

The EFRC determined the use of force was within Department policy, however the tactics were out of policy. Deputy Hildago's failure to employ sound tactical principles prior to and during a force encounter with an assaultive suspect, lead to the suspect being headed butted by Deputy Hildago. Additionally, Deputy Hildago placed his partner (Deputy [redacted] at a tactical disadvantage when he disengaged the suspect during a fight and failed to communication his intentions to his partner. The suspect in turn struck Deputy [redacted] head with his elbow.

RECOMMENDATIONS:

The EFRC recommended a 1 day suspension for Deputy Hidalgo.

KSF:TLB:tlb

DISPOSITION WORKSHEET

Re: IAB IV2415706

Subject: Hidalgo, Josue #[redacted]

Investigator: Sergeant Jorge Marchena, Internal Affairs Bureau

Advocate: Sergeant Monica Botello

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force, on or about November 28, 2015, while on duty and assigned to Compton Station, Subject Hidalgo failed to conform to the standards established for his position as a patrol deputy when, during an emergent response to a structure fire, he failed to employ sound tactical principles prior to and during a force encounter with an assaultive suspect, leading to the suspect head-butting and/or striking Deputy [redacted] in the head with his elbow, as evidenced by, but not limited to, the following:

   a. by failing to wear a Taser upon his person and having it readily accessible for use, although he maintained this device in his radio car; and/or

   b. by placing his partner, Deputy [redacted] at a tactical disadvantage when he (Deputy Hidalgo) disengaged the suspect during a fight and failed to communicate with his partner about his intentions and/or actions.

Disposition:

__X__ **Charge founded as delineated**

______ **Charge founded as modified**

______ **Charge unresolved**

______ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for Discipline Section:

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:



Conduct	Standard Discipline
Performance to Standards	WR to Discharge
Obedience to Laws, Regulations and Orders	WR to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response or grievance.

______ **Discharge**

______ **Reduction in Rank**

__x__ **Suspension with loss of pay and benefits for _1_ day**

______ **Written Reprimand**

______ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describes the mitigating and aggravating factors in determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

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EXHIBITS

- **A** **Incident Details for Tag-220**
- **B** **One (1) Incident Report and Four (4) Supplemental Reports**
- **C** **Criminal History Report for Suspect Cressel**
- **D** **Photographs Depicting Injuries Sustained by Suspect Cressel, Medical Records from St. Francis Medical Center, and Los Angeles County Jail Medical Records**
- **E** **Photographs Depicting Injuries Sustained by Deputy [redacted]**



- **F** **One (1) DVD Containing Photographs of the Scene and Radio Traffic of the Incident**

MISCELLANEOUS DOCUMENTS

Administrative Forms

Early Morning In-Service for Compton Sheriff's Station Dated November 29, 2015

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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY (Addendum)

FO 2390715

The purpose of this addendum is to document a witness interview of Deputy (Witness) Chad Cloud.

SYNOPSIS

On November 28, 2015, Witness Cloud responded with his partner Deputy (Witness) [redacted] to [redacted] S. Center Avenue, Compton regarding a structure fire. During the course of the incident a deputy involved use of force occurred.

WITNESS STATEMENTS

The following narrative is intended only as a synopsis of the interview. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interview and verbatim transcription. IAB investigator reviewed all reports authored by the involved deputy and determined they were consistent with their IAB Administrative Force Review interview.

WITNESS EMPLOYEE DEPUTY CHAD CLOUD

An Internal Affairs Bureau investigator interviewed Witness Cloud regarding this case.

On November 28, 2015, Witness Cloud was assigned to Compton Station to the early morning shift assigned to work a two man patrol unit, [redacted] Witness Cloud was partnered with Witness [redacted] in a uniformed assignment, patrolling in a marked vehicle. The deputies responded to a structure fire call. When they arrived on scene, Witness Cloud observed smoke and flames emitting from the first floor of the residence.

Witness Cloud observed a Black male adult (Suspect Cressel) sitting on a chair on the front lawn of the residence. Witness [redacted] asked the male if anybody else was inside the residence. The suspect replied "I don't know." The deputies assisted a resident [redacted] who was trapped inside the garage, exit to safety.

After pulling the resident out of the house, Witness Cloud stood in front of the residence to compose himself due to smoke inhalation. The resident pulled from

the home was directed to sit on the curb to be seen by paramedic personnel. Witness Cloud told Suspect Cressel to move away from the front of the house so he would not interfere with the firefighters combating the fire. Suspect Cressel complied and walked north away from the house. Witness Cloud saw the field sergeant's vehicle parked at the end of the street. Witness Cloud walked to the end of the street approximately 100 feet from the residential fire to speak to Sergeant Arthur Thomas (280S) regarding an unrelated matter.

Witness Cloud and Sergeant Thomas were standing on the street facing north while speaking. Due to the fire trucks parked on the street, their view of the street north of the fire trucks was obstructed. Witness Cloud did not see any deputy flashing a flashlight at him or hear any radio traffic of a deputy involved in a fight. Witness Cloud stated the scene was very loud due to the noise from the fire engines. After speaking to Sergeant Thomas for approximately five minutes they walked back toward the house at which time they observed several deputies detaining Suspect Cressel.

Witness Cloud observed his partner (Witness [redacted] buttoning his uniform shirt and his radio mic on the floor. Witness Cloud learned his partner had been involved in a use of force with Suspect Cressel. Witness Cloud did not witness the use of force involving Suspect Cressel **[REFER TO WITNESS CLOUD'S TRANSCRIPT]**.

IAB Note: **Internal Affair Bureau investigators and Compton Station Detective Bureau personnel attempted to locate and interview [redacted] regarding this investigation. Investigators could not locate Mr. [redacted]**

ADDITIONAL INFORMATION

Witness Cloud authored a Fire report under file number 015-14284-2836-270. The report is included with this addendum.